

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROOSEVELT KAIRY, LARRY BROWN,
WAYNE DICKSON, DRAKE OSMUN,
HARJINDER SINGHDIETZ,
FREDERICK FERNANDEZ, YURIK
ZADOV, and MUNIR AHMED on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

SUPERSHUTTLE INTERNATIONAL,
INC. and SUPERSHUTTLE FRANCHISE
CORPORATION, d.b.a.
SUPERSHUTTLE; CLOUD 9 SHUTTLE,
INC.; SUPERSHUTTLE OF SAN
FRANCISCO, INC.; MINI-BUS
SYSTEMS, INC.; SUPERSHUTTLE LOS
ANGELES, INC.; AND SACRAMENTO
TRANSPORTATION SERVICES, INC.,
and DOES 1 through 20, inclusive,

Defendants.

Case No. 4:08-CV-02993 JSW

REVISED

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS AND COLLECTIVE
ACTION SETTLEMENT**

///

///

///

1 **INTRODUCTION**

2 On October 31, 2014, this Court held a hearing on Plaintiffs' Motion for Final Approval of Class
3 and Collective Action Settlement, at which all named parties were represented. Due and adequate
4 notice having been given to the Class Members, and the Court having considered the Settlement
5 Agreement, all papers and proceedings had herein, and all oral and written comments received
6 regarding the proposed Settlement, and having reviewed the records in this case, and good cause
7 appearing, the Court HEREBY ORDERS THE FOLLOWING:

8 **DEFINITIONS**

- 9 1. This Order incorporates by reference the definitions contained in the Class Action
10 Settlement Agreement and Release of Claims ("Agreement") attached as Exhibit 1 to the
11 Declaration of Aaron Kaufmann in Support of Plaintiffs' Motion for Preliminary
12 Approval of Class Action Settlement (ECF# 383-1), and all terms used in this Order shall
13 have the same meaning as set forth in the Agreement.

14 **JURISDICTION**

- 15 2. This Court has jurisdiction over the subject matter of this Lawsuit and all matters relating
16 thereto, and over all parties to the Lawsuit.

17 **CONFIRMATION OF SETTLEMENT CLASSES**

- 18 3. The Court confirms as final its preliminary certification in the June 12, 2014 Order of the
19 Settlement Class, as that term is defined in and by the terms of the Agreement. With
20 respect to the Settlement Class and for purposes of approving this Settlement only, this
21 Court finds and concludes that: (a) the Members of the Settlement Class are ascertainable
22 and so numerous that joinder of all members is impracticable; (b) there are questions of
23 law or fact common to the Settlement Class, and there is a well-defined community of
24 interest among Members of the Settlement Class with respect to the subject matter of the
25 Lawsuit; (c) the claims of the Class Representatives are typical of the claims of the other
26 members of the Settlement Class; (d) the Class Representatives have fairly and adequately
27 protected the interests of the Settlement Class; (e) a class action is superior to other
28 available methods for an efficient adjudication of this controversy; and (f) the counsel of

record for the Class Representatives, i.e., Class Counsel, are qualified to serve as class counsel.

4. The Court confirms as final the appointment of Roosevelt Kairy, Larry Brown, Wayne Dickson, Drake Osmun, Harjinder Dubb, Frederick Fernandez, Yurik Zadov, and Munir Ahmed as class representatives.
5. The Court confirms as final the appointment of Plaintiffs' law firms, Leonard Carder, LLP; Rukin Hyland Doria & Tindall LLP; Lewis Feinberg, Lee, Renaker & Jackson, P.C.; and Bryan Schwartz Law as Class Counsel.

SETTLEMENT APPROVAL

6. The Court finds that the distribution of Class Notice Packages as provided for in the June 12, 2014 Order granting preliminary approval constituted the best notice practicable under the circumstances to all persons within the definitions of the Settlement Class, and fully met the requirements of due process under the United States Constitution and California law with respect to those Settlement Class Members to whom Notice was mailed. Based on evidence and other material submitted in conjunction with the Settlement, the actual notices to Settlement Class Members were adequate, except as expressly stated herein.
7. Pursuant to Fed. R. Civ. P. 23(e), this Court grants final approval to the Agreement and the Settlement set forth therein, and orders the parties to implement, and comply with, its terms. The Court finds that the Agreement and the Settlement set forth therein is fair, reasonable, and adequate in all respects, and that it is binding on all members of the Settlement Class, except as set forth in Paragraphs 13-16 below. The Court specifically finds that this Settlement affords substantial monetary and non-monetary relief to the Class, and is rationally related to the strength of Plaintiffs' claims given the risk, expense, complexity, and duration of further litigation. This Court also finds that the Agreement is the result of arms'-length negotiations between experienced counsel representing the interests of the Class and Defendants, after thorough factual and legal investigation. The Court further finds that the response of the Classes to the Settlement supports final approval, in that only one class member has objected to the proposed Settlement and only

twelve out of more than 3,000 Class Members have excluded themselves from the Settlement.

8. The Court finds that the negotiated operational changes detailed in Exhibit A to the Agreement have significant value to certain class members (franchisees and associate drivers still operating shuttle vans franchised through defendant City Licensees), and that these changes further enhance the independence of the operators, provide further entrepreneurial opportunities, and provide certain clarifications that strengthen the independent contractor status of these class members on a going-forward basis.

9. The Court finds that the proposed plan of allocation is rationally related to the relative strengths and weaknesses of the respective claims asserted. The mechanisms and procedures set forth in the Agreement by which payments are to be calculated and made to Class Members are fair, reasonable, and adequate. Payment shall be made according to those allocations and pursuant to the procedure set forth in the Agreement and this Order.

10. Plaintiffs have requested approval of a payment from the aggregate settlement fund of \$7,500 to the California Labor and Workforce Development Agency (LWDA) in settlement of the California Class' PAGA claims. The Court finds that this LWDA payment is fair, adequate, and reasonable and approves a payment to the LWDA in the amount of \$7,500.

11. Plaintiffs have requested appointment of the Legal Aid Society-Employment Law Center (San Francisco, CA) as *cy pres* beneficiary. Because the Legal Aid Society-Employment Law Center meets the test under *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2013) that "there be a driving nexus between the plaintiff class and the *cy pres* beneficiaries," the Court hereby designates the Legal Aid Society-Employment Law Center as *cy pres* beneficiary for receipt of undistributed funds as provided under the Agreement and this Order.

12. By operation of this Order and upon the effective date of the Judgment, the Class Representatives shall release, relinquish, and discharge all claims against the Releasees released under the terms of Paragraph 65 Settlement Agreement.

13. By operation of this Order and upon the effective date of the Judgment, all Settlement Class Members who have not opted out of the Settlement shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever released, relinquished, and discharged all Released Claims against the Releasees as set forth in Paragraph 63 of the Settlement Agreement, except as set forth in Paragraph 16 below.
14. From the Net Settlement Fund KCC shall create a reserve fund equal to the value of the claims of the 130 Class Members who have not been mailed Notice (“No Address Class Members”) and the 136 Class Members who were mailed Notice but whose Notice was returned as undeliverable (“Bad Address Class members”) (collectively “Undelivered Notice Class Members”). A list of these 266 Class Members is attached as Exhibit A to this Order. The value of this reserve fund will be held back from the Settlement, in the Qualified Settlement Fund by KCC, and available to pay any of these 266 Class Members whose address information is obtained within 12 months of the final approval order.
15. Efforts to locate address information for the 130 No Address Class Members will continue. These efforts will include attempted communication with primary operators who may have contact information for secondary operators.
16. As any of the 266 Undelivered Notice Class Members are located or come forward, KCC will mail them Notice and provide them with an opportunity to exclude themselves from the Settlement. Those who are mailed Notice and do not exclude themselves from the Settlement will receive their share of the Settlement and be bound by the Release.
17. On October 31, 2015, any of the 266 Undelivered Notice Class Members who have still not been mailed Notice will be excluded from the Settlement and shall not be bound by the Release. The dollars attributable to their shares of settlement will be disbursed to the *cy pres* beneficiary.
18. The Lawsuit is hereby dismissed with prejudice.
19. The Court reserves exclusive and continuing jurisdiction over the Lawsuit for the purposes of supervising the implementation, enforcement, construction, administration and interpretation of the Settlement Agreement and this Judgment.

20. This document shall constitute a judgment (and separate document constituting said judgment) for purposes of Federal Rule of Civil Procedure 58.

21. The Court finds that notice of the Settlement was served upon all appropriate Federal and State officials on July 18, 2014 pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715.

IT IS SO ORDERED.

Dated: November 3, 2014

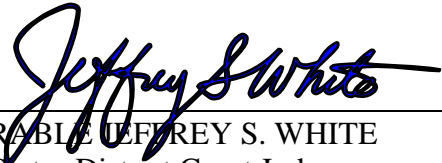

HONORABLE JEFFREY S. WHITE
United States District Court Judge

EXHIBIT A

KCC Class Action Services

KAIRY V. SUPERSHUTTLE INTERNATIONAL INC

List of Class Members with Known Bad Addresses

9/19/2014

Count: 136

KCC Control #	Last Name	First Name	Company
100036401	ABDUSALAM	REDWEAN	FREEDOM EXPRESS LLC
100059401	ACKERMAN	JOSHUA	
100064001	ADAMS	BRYANT	
100092701	AHMED	MOHAMED	FREEDOM EXPRESS LLC
100102101	AJAYI	PIUS	
100103501	AKBARI	BAHRAM	
100114301	ALAVERDYAN	VARDEVAN	
100166301	AMLING	WILLIAM "BILL"	
100186201	ARAKELIAN	ROBERT	A Y BUSINESSES LLC
100208901	ASAD	TASSAWAR	AHMED HIGAZY
100229101	ATOYAN	JAKE	
100260701	BAHDANAU	VITALI	SAS SHUTTLE GROUP LLC
100268601	BAKER	LARUE "ROY"	
100302201	BAZIEV	KHARUN	MIRIMS LLC
100321801	BENEVENT	NANCY	
100326601	BENNETT	ROBERT	1ST CHOICE SHUTTLE LLC
100334301	BERRELLEZA	LETICIA	YVANNIYAS TRANSPORTATION LLC
100354201	BIRTS	MORRIS	
100378601	BONG	TJUN	
100380101	BONILLA	SUNDRO	
100386301	BOSHARA	ELTAHIR	SD GROUP LLC
100396801	BOUL	MUAYYAD	
100407601	BRACKEN	JOSIE	
100417001	BROWN	DOMINIC	
100451701	CALDERON	RAYMOND	LTN ENTERPRISE LLC
100452001	CALIRI	SUN OAK	
100454801	CAMACHO	CARLOS	VB TRANSPORTATION LLC
100492901	CATO	JAMES	
100494601	CAUSSA	GUADALUPE ALAS CAUSSA	
100527001	CHARCHYAN	FRUNZIK	
100560301	CHOI	JUNG KWON	
100584701	CODY	DOC	
100585001	COHEN	MARTIN	
100595501	CONTRERAS-SIFUENTE	JOSE	GIHAN LLC
100610601	CRAMMER	WILLIAM	
100618501	DABIS	OTTO DABIS	
100630501	DANG	LONG KIM	BLUE SKY TRANSPORTATION LLC
100646101	DAVIS	FREDERICK	
100654901	DE PRADA	RAUL	
100684201	DI CARLO	PERRY	BAHARIA SHUTTLE LLC
100716301	DOWNING	ZACH	1ST CHOICE SHUTTLE LLC
100718001	DRANGMEISTER	HOWARD	
100724001	DUBOISE	LUBERTHA	
100725401	DUBRUTZ	EDWARD	

KCC Control #	Last Name	First Name	Company
100768301	EMOJONG	DAVID	YOLO AIRPORTER/TRANSPORTER LLC
100782001	ESMAIL	NASSER	
100810701	FARID	EDER AYAD	ABA TRANSPORTATION LLC
100816901	FAYEHUN	YEMI	
100826301	FERNANDO	JUWANGE	DEDODWELL LLC
100846201	FOLEY	CLAUDE	
100902501	GARCIA	JORGE	
100922401	GENDELMAN	BORIS	
101036001	GUOBADIA	JONES	FRANKS EXPEDITED SERVICES
101051101	HACKELTON	CAL	
101090601	HARVEY	WALLACE	
101106201	HEGAZY	ABDEL FATTAH	
101108001	HEMMAT	KAVEH	INDIVIDUAL
101112201	HENNING	SHAWN	
101133501	HILL	JOSEPH	VAGA LLC
101142601	HODGE	GEOFFREY	
101156501	HOVANESYAN	ALFRED	SHUTTLE PACIFIC LLC
101161101	HOWMAH	MARYANNE OI	GREAT WEST TRANSPORTATION LLC
101188601	HUSSEIN	MOHAMED	FREEDOM EXPRESS LLC
101229801	ISIBOR	TAIWO	
101260301	JATTAN	SANJAY	INMOTION TRANSPORT LLC
101275601	JIMENEZ	MIGUEL	
101310601	KABIANPOR	MOHAMMAD	
101336701	KAMIL	HAMDI	JFK TRANSPORTATIO LLC
101428501	KIROJAN	JUOTJE	
101429901	KITCHIL	HANEEF	AWESOME GROUND SHUTTLE LLC
101444001	KOGAN	BORIS	V & L EXPRESS LLC
101451301	KOLEV	VENELIN	
101458901	KOUTEPOV	IOURI	
101464901	KRAVETSKIY	FELIX	
101580901	LISENSKIY	DMITRY	
101603901	LOPEZ	ADRIAN	MR TRANS GROUP LLC
101645401	MAGDALENO	YAIR	GIHAN LLC
101678901	MANIQUIS	MICHAEL	JESUS SIMANGAN LLC
101682101	MANSOORI	ABDUL	
101685201	MARALLOS	CHRIS	
101692601	MARGUEZ	JOSE	
101825601	MISTRY	TANVEER	
101826001	MITCHEL	STANLEY	B&P SHUTTLE
101838101	MOHAMMAD	NOOR	
101840701	MOHAMMED	BAHERADIN	
101841001	MOHAMMED	MUSHTAQ	AWESOME GROUND SHUTTLE LLC
101854601	MONTES	ERNESTO	
101862301	MORCOS	NABEL	
101868501	MOREY	LUIS FELIPE	BAHARIA SHUTTLE LLC
101874501	MORRIS	EDWARD	
101956901	NGUYEN	LAM	
101967701	NIEVES	ROSALIA	YVANNIYAS TRANSPORTATION LLC
101999801	NURMEDOV	RUSTAM	Q SHUTTLETRANSPORTATION LLC
102011001	OCEÑ	PATRICK	
102068801	PAPADAKIS	EMANOUIL	
102069101	PAQUILLO	KRISTOFFER	

KCC Control #	Last Name	First Name	Company
102082501	PATOV	ROSEN	
102102401	PEREZ	JESUS	
102114601	PETTITT	STEPHANIE	
102139301	POLOSUKHIN	VICTOR	
102152701	POUND	TIMMY	ARIAS TRANSPORTATION
102161801	PRONICHENKO	MAKSIM	KBL TRANSPORTATION LLC
102172601	QUACH	JOHN	
102173001	QUADROS	SERGIO	
102229401	REED	IAN	BLUE SKY
102294801	RUE	ROGER	
102330101	SAID	SHERIF	NEIL EXPRESS SHUTTLE LLC
102342301	SALEM	FAROUK	
102395701	SARGSYAN	ARTAVAZD	
102435501	SERVILLO	MICHAEL	ROBS ULTIMATE TRANSPORTATION
102436901	SESMA	JULIO	
102451001	SHAMYRADOV	POLAT	GM TRANSPORTATION LLC
102469301	SHEMCHYSHYN	ANDRIY	
102472201	SHESTAKOV	KONSTANTIN	Q SHUTTLE TRANSPORTATION LLC
102475301	SHIDU	LARRY SHIDU	
102503001	SIMONENKO	YURI	V & K LLC
102529001	SINTO	TJAHJA	
102575901	SOUSSI	MOHAMAD	
102578001	SPARTZ	LOWELL	
102604901	STORY	JOHN	
102617401	SUMAMPOUW	RUNTU	
102700001	TESHOME	AGLACHEW	
102724301	TILLEKERATINE	DON	
102733401	TJANDRA	GUNAWAN	
102751601	TOLU	NEVZAT "TOLGA"	DALY SHUTTLE LLC
102769001	TREJO	EZEQUIEL	
102799301	UEMATSU JR	GENE	
102848201	VASQUEZ LEON	GERMAN	S G M BATAVIA SHUTTLE LLC
102849601	VASQUEZ-SOSA	HECTOR	
102859001	VEGA	MARTIN	WHITEWATER ENTERPRISES LLC
102863301	VERA	SAUL	JR TRANSPORT SYSTEMS LLC
102889401	VONGNANGAM	SAK	
102933501	WELD	SHARON	COLOSSIANS 323 LLC
102937001	WEWENGKANG	DANNY	
102952001	WILLIS	CALVIN	
102987201	YADAO	DONNE	ISLANDER SHUTTLE LLC

KCC Class Action Services

KAIRY V. SUPERSHUTTLE INTERNATIONAL INC

List of Class Members Without Complete Mailing Addresses

9/19/2014

Count: 130

KCC Control			
#	First Name	Last Name	Company
100176801	DOS SANTOS	ANE MARI	
100285401	AHMED	BAROUD	
100479501	CHRISTINA	CASAREZ	
100556001	CHARLES	CHIEJINA	
100766601	ASHER	EMMANUEL	
100889101	ERIK	GAMPU	
100900801	BENJAMIN	GARCIA	
102490401	MUSTAFA	SIDIQI	
102506001	ARNOLD	SINAGA	
102508801	AMRIT	SINGH	
102687601	JANRRY	TELAH	
102701301	GET	TESHOME	
102725701	HENRY	TIMBULENG	
102739601	KELVIN	TJHIN	
102577601	CLEBER	SOUZA	
102626501	IWAN	SURYADI	
102649501	TEDDY	TAJEB	
102669401	RICHARD	TAROREH	
100982101	EDDIE	GONZALEZ	
100989701	ROGELIO	GONZALEZ	
100991201	EVAN	GORDON	
100996001	ISABELLE	GOURBAN	
101002201	CHRISTOPHER	GRAY	
101014401	CALISTERIO	GREGORY	
101022101	ANGLE	GUANDIQUE	
101077201	BUDDY	HANNATO	
101113601	ROD	HENRY	
101126101	ART	HERRON	
101154801	ALI CHARLIE	HOSSEIN	
101168701	HONG	HUANG	
101183801	AFTAB	HUSSAIN	
101252601	DUQMAQ	JAMAL	
101258801	RICHARD	JAQUA	
101306301	NICO	JUNAWAN	
101579701	JESUS	LINGAD	
101632901	DANIEL	LY	
101634601	YERMIYAS	LY	
101640601	MARCELO	MACALI	
101669801	ENDA	MAMO	
101725001	SONJA	MARTINEZ	
101742901	ABDUL	MATIN	
101747701	SAMY	MATTA	
101748001	KEVIN	MATTHEWS	
101857701	AMIN	MORADI	
101859401	TONY	MORAGO	
101894401	CARLOS	MURILLO	

KCC Class Action Services

KAIRY V. SUPERSHUTTLE INTERNATIONAL INC

List of Class Members Without Complete Mailing Addresses

9/19/2014

Count: 130

KCC Control #	First Name	Last Name	Company
102060901	SONNY	PAJULAS	
102073401	SING	PARK	
102081101	HIRA	PATHANIA	
102105501	WILLIAM	PEREZ	
102266101	PETE	RODRIGUEZ	
102297901	GUSTAVO	RUIZ	
102371301	JAMES	SANDOVAL	
102398801	KAREN	SARKISIAM	
102757801	HARRY	TORRES	
102797601	ATHER	TYEB	
102801901	AMAN	ULLAH	
102837401	ARTURO	VARGAS	
102839101	ELISER	VARGAS	
100139001	WAAD	ALJABI	BAHARIA SHUTTLE LLC
101824201	FRANK	MISCH	
102994601	LIU	YANG	
101166001	RONG	HU	
100197001	FRANCIS	ARNAIZ	
101514101	VICTOR	LARIONOV	
102217201	RASHID	RASHID	
102613001	IGOR	SUHOV	
101495601	GARY	LADHER	
100164601	AMIT	AMIT	
100393701	BONLENG	BOUANESOMBATH	
100468701	MARCELINO	CAPELLE	
100484101	JOHN	CASHIO	REGENCY
100497701	JARED	CECIL	SACRAMENTO AIRPORT CARRIERS
100510001	LESLIE	CHAN	REGENCY
100517601	NICK	CHANG	
100574201	JESSE	CHURCH	
100616801	JAMES	CURTIS	SAC AIRPORT CARRIERS
100727101	STEVE	DUNECK	
100905601	NORM	GARCIA	
100955901	KEN	GIPSON	BLUE SKY SHUTTLE
101004001	LESHIA	GRAY	BLUE SKY
101005301	ROBERT	GRAY	SACRAMENTO AIRPORT CARRIERS
101056001	?	HAILU	
101225301	JOSEPH	ISAACS	BLUE SKY SHUTTLE LLC
101423701	WILLIAM	KINDRICK	
101431401	PAUL	KITTIRATH A	COMFORT SHUTTLE USA
101492501	JACOB	LABUDA	
101503301	RICHARD	LANDA	SAC AIRPOTR CARRIES
101587401	ROXANNE	LIU	REGENCY
101611601	KONG	LOR	
101680401	LARRY	MANN	
101714201	JAUN	MARTINEZ	

KCC Class Action Services**KAIRY V. SUPERSHUTTLE INTERNATIONAL INC**

List of Class Members Without Complete Mailing Addresses

9/19/2014

Count: 130

KCC Control			
#	First Name	Last Name	Company
101719001	LAVERONICA	MARTINEZ	
101726401	EDWIN	MARTINEZ RIVERA	BLUE SKY SHUTTLE
101855001	DAVID	MOORE	
101896101	MOHAMMAD	MUSA	
102022801	DAVE	OLLAR	BLUE SKY
102121001	PAUL	PHANKHOLO	
102130001	KHAMMA	PHUOAMKHA	
102142201	JAVIER	PONCE	ARIAS TRANSPORTATION
102146701	GARY	PORTER	BLUE SKY
102242801	DAVE	REYNOLDS	
102246201	JASON	RIKLON	YOLO TRANSPORTATION
102253601	ALDRED	ROBERT	BLUE SKY
102276601	ALEX	ROMERO	REGENCY
102402001	SING	SARN	
102518201	MONOPAL	SINGH	
102523901	SIMRAN	SINGH	COMFORT SHUTTLE USA LLC
102525601	SURENDER	SINGH	BLUE SKY
102560601	SATTANAK	SOMPHU SIA	CONVENIENT
102567101	WILSON	SORIANO	
102576201	ROBERT	SOUTH	SACRAMENTO AIRPORT CARRIERS
102590001	RICHARD	STARK	BLUE SKY SHUTTLE
102599201	LEE	STILES	
102600401	JACK	STINNET	
102607001	MICHAEL	STROUD	SACRAMENTO AIRPORT CARRIERS
102612601	VANG	SUE	
102788501	JEFF	TUAZON	
102789901	TROY	TUCKER	
102876901	JAKE	VILLEGAS	
102903101	CHERYL	WALLACE	BLUE SKY
102904501	CJ	WALLACE	REGENCY TRANSPORTATION
102920001	JONATHAN	WARRENS	
102946001	GERALD	WILLIAMS	SACRAMENTO AIRPORT CARRIERS
102951701	MO	WILLIAMS	
102970201	WOODY	WOODY	
102971601	ROGER	WORLEY	
102972001	JEFF	WRIGHT	
103009001	JOSEPH	YORK	SACRAMENTO AIRPORT CARRIERS
102134501	JAVIER	PIZZANO	JR TRANSPORT SYSTEMS LLC